

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff.

V.

CHRISTOPHER L. GOODWIN;
SHELLY A. GOODWIN, now known
as Shelly A. Jamison; BERNARDO
ANGEL-MARTINEZ; LORENZO
ANGEL-MARTINEZ; PIEDAD
DUARTE; SUNDOWN ORCHARDS,
and TROUT-BLUE CHELAN-MAGI,
INC., doing business as Chelan Fruit
Company, doing business as Chelan
Fruit Cooperative,

Defendants.

NO: 2:16-CV-044-RMP

**ORDER GRANTING MOTION TO
CERTIFY CONFIRMATION OF
SALE AND DISBURSMENT OF
FUNDS FROM SALE**

Before the Court is Plaintiff's Motion to Certify Confirmation of Sale and

for Disbursement of Funds, ECF No. 47. The Court has reviewed the motion and

the record, and is fully informed.

The record reflects that notice of the sale was duly given by posting and

publishing in the form and manner required by law, ECF No. 42, and that the

**ORDER GRANTING MOTION TO CERTIFY CONFIRMATION OF SALE
AND DISBURSMENT OF FUNDS FROM SALE ~ 1**

1 property so sold is all situated in Okanogan County, in the State of Washington,
2 ECF No. 36, and is more particularly described as:

3 Parcel 1:

4 The North half of the Northwest quarter of the Southwest quarter of the Northwest
5 quarter of Section 34, Township 34 North, Range 26 E.W.M., EXCEPT one acre in
6 the Northwest corner thereof bounded and described as follows: Commencing at a
7 point on the East line of the right of way of the County Road extending North and
8 South between Sections 33 and 34, said Township and Range, where the East
9 boundary line of said County Road right of way intersects the North boundary line
10 of the Southwest quarter of the Northwest quarter of Section 34. Thence run East
along the North boundary line of said Southwest quarter of the Northwest quarter a
distance of 208.8 feet; thence turn an angle of 90° and run South 208.8 feet, thence
turn an angle of 90° and run West on a line parallel with the North line of said
Southwest quarter of the Northwest quarter a distance of 208.8 feet to the East
boundary line of the right of way of said County Road, thence North along the east
boundary line of said right of way to the point of beginning.

11 ALSO EXCEPTING that portion described as follows: Commencing at the
12 Section corner common to Sections 27, 28, 33 and 34, Township 34 North, Range
13 26 E.W.M., thence South 0°28'36" West on the line between Sections 33 and 34, a
14 distance of 1645.06 feet, which point bears North 0°28'36" East 991.46 feet from
15 the West quarter corner of Section 34, thence South 89°56'13" East for a distance
of 15 feet to the East right of way of Weatherstone Road, and the initial point of
beginning. Thence containing South 89°56'13" East 208.63 feet, thence North
0°28' 36" East 118.0 feet, thence North 89°56'13" West 208.63 feet, thence South
0°28'36" West 118.0 feet to the initial point of beginning.

16 ALSO EXCEPTING that part of the North half of the Northwest quarter of the
17 Southwest quarter of the Northwest quarter of Section 34, Township 34 North,
18 Range 26 E.W.M., more particularly described as follows: Commencing at the
19 Northwest corner of said Northwest quarter of Section 34, an aluminum cap
20 monument, from which the Southwest corner of said Northwest quarter a brass cap
monument, bears South 00°28'45" West, 2636.74 feet; thence South 00°28'45"
West along the West line of said Northwest quarter for a distance of 1318.37 feet
to the Northwest corner of said North half of the Northwest quarter of the
Southwest quarter of the Northwest quarter of Section 34; thence South 89°56'22"
East along the North line of said subdivision for a distance of 223.80 feet to the
Northeast corner of the Jundt property described on the instrument filed in Volume

1 122, Page 1170; thence South 00°03'38" West along the East line of said Jundt and
2 Connolly properties for a distance of 162.10 feet to the True Point of Beginning;
3 thence South 87°54'20" East along a line 8 feet North of and parallel to the North
line of a concrete block building for a distance of 63.02 feet; thence South
4 02°00'15" West along a line 5 feet East of and parallel to the East line of said
concrete block building for a distance of 112.65 feet; thence North 87°54'20" West
5 along a line 25 feet South of and parallel to the South line of said building for a
distance of 61.37 feet to the East line of the Norwill property described on the
6 instrument filed in Volume 111, page 235; thence North 00°28'45" East along the
East line of said Norwill property for a distance of 65.90 feet to the South line of
the Connolly property described on the instrument filed in Volume 111, page 2655;
7 thence South 89°56'04" East along the South line of said Connolly property for a
distance of 1.70 feet to the Southeast corner thereof; thence North 00°03'38" East
8 along the East line of said Connolly property for a distance of 46.74 feet to the
True Point of Beginning.

9 Parcel 2:

10 The South half of the Northwest quarter of the Southwest quarter of the Northwest
11 quarter of Section 34, EXCEPTING therefrom: Beginning at the Southwest corner
of the above subdivision, thence run North 225 feet, thence East 225 feet, thence to
12 a point on the South line of the Northwest quarter of the Southwest quarter of the
Northwest quarter, a distance 360 feet from the Point of Beginning. Thence West
360 feet to the Point of Beginning, in Township 34 North, Range 26 E.W.M.

13 Parcel 3:

14 The Northeast quarter of the Southwest quarter of the Northwest quarter of Section
15 34, Township 34 North, Range 26 E.W.M, less that portion conveyed to the
County of Okanogan for road purposes by deed recorded in Book 162 of Deeds,
16 under Auditor's file No. 456890.

17 All in Okanogan County, Washington. ECF No. 44. The record also reflects
18 that on the date of the sale, all rights, title and interest of the Defendant, in and to
19 the said property was sold by the United States Marshal to Double A Orchards,
20 ECF No. 44 at 4; the United States Marshal properly made and filed his Return of
21 Sale on October 4, 2017, ECF No. 44; the Clerk properly mailed notice of the

1 filing of the return of sale to all parties who have entered a written notice of
2 appearance and who had not had an order of default entered against them, if any;
3 more than twenty (20) days having elapsed since mailing of the notice of filing of
4 said return; and no objections or exceptions were made or filed to said sale and
5 return.

6 Accordingly, **IT IS HEREBY ORDERED** that the United States' Motion,
7 **ECF No. 47** is **GRANTED** in full as follows:

8 1. The report of the United States Marshal, and the sale, are in all
9 respects approved and confirmed. The Marshal shall execute and deliver the
10 original certificate of sale/purchase to the purchaser, Double A Orchards. The
11 United States Marshal, or his successor in office, may take all necessary steps to
12 transfer title of the foreclosed Personal Property, without the need for further order
13 of the Court. **IT IS FURTHER ORDERED** the United States Marshal, or his
14 successor in office, shall execute and deliver a good and sufficient Deed of
15 Conveyance of the foreclosed Real Property upon the expiration of the 12-month
16 redemption period, absent a redemption, without the need for further order of the
17 Court.

18 2. The Clerk of the Court is directed to distribute the \$192,001.00
19 previously deposited in the Court's Registry by Receipt No. SPO030584, **ECF No.**
20 **45**, and Receipt No. SPO030617, **ECF No. 46**, as follows:
21

First, by check made payable to the "United States Marshal Service," in the amount of \$1,314.48 for costs of sales, mailed to:

Attn: Mary McGoldrick
United States Marshals Service
920 West Riverside Ave, Suite 200
Spokane, WA 99201

Second, by check made payable to the "United States Attorney's Office," in the amount of \$2,142.00 for the costs of the sale, mailed to:

United States Department of Justice
P.O. Box 1494
Spokane, WA 99210-1494

Third, by check made payable to the "Farm Service Agency," for the amount remaining (*i.e.* \$188,544.52 plus any accrued interest) up to \$244,300.00 for the amount due and owing to the United States, without registry fees, for application to the judgment debt in this case, mailed to:

Attn: Farm Loan Programs
Farm Service Agency
1251 2nd Avenue S., #103
Okanogan, WA 98840

The District Court Clerk is directed to enter this Order and provide copies to counsel.

DATED November 16, 2017.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
United States District Judge